

331 down, that if a *special warrant, “accurately describes the vacancy, it effectually binds it against all subsequent warrants or locations,” and further, that “whatever may be done by a common warrant, may be affected by a special warrant of vacant cultivation. It makes no difference whether or not the survey under a special warrant includes part of the land designated by the special warrant. In fact, the important difference between the two warrants, is, that the special warrant, before survey, affects the land accurately described in it. The common warrant affects no land until it is surveyed, or located with the surveyor.” *Hopper v. Coleston*, ante, 322.

In short, the designation of the land given in the special warrant, or the entry upon the surveyor’s book, must be such a description of a space, an area, or a tract, as may be understood and ascertained by proof of the existence of the localities referred to; it must be such an one as will suit no other land, and be sufficient in itself without having any substantial matter supplied by parol proof. *Beatty v. Orendorf*, *Land Ho. Ass.* 402. This may seem to be requiring too great a degree of strictness; but it has long been the established law, and is not more rigid than a due regard to the public good requires. Certainty is the mother of quiet; and in nothing more so than in the titles to lands. The vacancy aimed at by a special warrant, is often embraced by two or more other tracts. A reported example of which may be found expressed thus: “about one hundred acres vacant lying in A. A. County, and adjoining or between a tract of land in possession of J. Brown, a tract of land belonging to J. Hall, and a tract of land in the possession of J. McDonald.” *Garretson’s Lessee v. Cole*, 2 *H. & McH.* 459. So in another instance where a particular neck of land was described. *Land Ho. Ass.* 87. Other examples may be imagined. Suppose the tract of land called Bellevoir to lay along, and parallel for some distance, within half a mile of the River Severn, and the special warrant, were expressed in these words: “about two thousand acres vacant, lying in A. A. County, between the tract called Bellevoir and the River Severn. Or, suppose Browning’s Spring to be situated a short distance west from the mouth of the stream called the Little Crossings, the general course of which was north and south, and the Panther Pen was a short distance west of the same stream higher up; and the description in the special warrant was thus: “about 200 acres vacant lying in Allegany County, west of and bounding on the Little Crossings, and between Browning’s
332 *Spring and the Panther Pen.” In no one of these descriptions is any course, distance, or line distinctly named; yet it is perfectly manifest, that each one specifies a space, or area of land, so very accurately, that it cannot be mistaken, and in a manner that cannot be made to suit any other land.